

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-CR-00003-RJC

USA )  
 )  
v. ) ORDER  
 )  
JOSE DE JESUS GONZALEZ-ESTRADA )  
 )

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**THIS MATTER** is before the Court on remand from the United States Court of Appeals for the Fourth Circuit. (Doc. No. 620: Judgment).

The defendant pled guilty to all counts in the Superseding Indictment without benefit of a plea agreement. (Doc. No. 157: Notice and Acceptance of Guilty Plea). It is customary for the government at sentencing to move to dismiss counts no longer at issue, such as those in the original indictment. In this case, however, the government did not so move, but the Judgment mistakenly recorded that it did. (Doc. No. 532: Sent. Hr'g Tr. at 25; Doc. No. 492: Judgment at 1). Thus, the Fourth Circuit remanded the case for correction of the clerical error in the Judgment. (Doc. No. 620: Opinion at 4). The Mandate was issued December 20, 2013, but the government has yet to file a motion to dismiss Count One of the original Indictment.

**IT IS, THEREFORE, ORDERED**, that the government shall file a pleading within twenty-one days of the entry of this Order to show cause why Count One of the original Indictment should not be dismissed.

Signed: July 22, 2014

  
Robert J. Conrad, Jr.  
United States District Judge  
